



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA

V.

DONALD L. BLANKENSHIP

Criminal No. 5:14-cr-00244

**DEFENDANT'S PROPOSED INSTRUCTION
REGARDING COMMUNICATION WITH THE COURT**

Subject to and without waiving Mr. Blankenship's position that a mistrial should be granted based on the juror voir dire conducted on November 24, 2015 and Mr. Blankenship's objection to the alternative instruction proposed by the Court, Mr. Blankenship, through counsel, requests that the Court give the following instruction to the jury:

Any of you may communicate with me for any reason. If you wish to do so, you can send a note to me through the court security officer, signed either by you individually, by two or more of you, or by your foreperson. I will respond as soon as possible, either in writing or verbally in open court.

You are permitted to communicate to me that you are unable to reach a unanimous verdict, but you should not tell me how your vote stands numerically.

Dated: November 30, 2015

Respectfully submitted,

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Counsel for Donald L. Blankenship

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served by hand in open court on this 30th day of November, 2015 on:

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/s/ Blair G. Brown _____

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